

Application Serial No.: 10/763,884
Amendment and Response to January 4, 2006 Final Office Action

REMARKS

Claims 1 – 15, 17, and 18 are in the application. Claims 1, 15, 17, and 18 were previously presented; claim 16 is canceled; and claims 2-14 remain unchanged from the original versions thereof. Claims 1, 15, 17, and 18 are the independent claims herein.

No new matter is added to the application. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 103(a)

Claims 1, 4-6, 10-15, and 17-18 were rejected as being unpatentable over Adamczyk, U.S. Publication No. 2004/0151284 A1 (hereinafter, Adamczyk) in view of Guedalia et al., U.S. Publication No. 2002/0062345 A1 (hereinafter, Guedalia). This rejection is respectfully traversed.

The independent claims herein relate to a method (claims 1 and 16), an article of manufacture (claim 17), and an apparatus (claim 18) including converting a voice mail message to a recipient to an instant message; determining an instant message address associated with the recipient; and sending the instant message and the voice mail message to the instant message address. Thus, it is clear that Applicant claims sending an instant message of the converted voice mail and the voice mail message to the instant message address of the recipient.

Applicant's claims are distinguishable from the cited and relied upon Adamczyk for at least claiming sending the instant message and the voice mail message to the instant message address. The Office Action readily admits that Adamczyk "fails to disclose sending the first instant message and the first voice mail message to said address".

Application Serial No.: 10/763,884
Amendment and Response to January 4, 2006 Final Office Action

The Office Action cites and relies upon Guedalia for allegedly disclosing sending a first instant message and a first voice mail message to an instant message address. (See Guedalia, para. 0056) The Office Action concludes that it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Adamczyk using the teaching of sending a voice mail message with an instant message.

However, contrary to the Office Action's characterization thereof, Guedalia does not disclose or suggest sending a first instant message and a first voice mail message to a first instant message address. Instead, Guedalia explicitly discloses sending only an instant message to a recipient user 104. In fact Guedalia discloses,

[0056] The IVR 106 may also send links to voice messages through an Audio File Server 132. The IVR 106 may record a voice message received via the Telephone 102, which may then be transmitted to the Audio File Server 132. The Audio File Server 132 may encode the voice message into standard formats, such as WAV and REAL AUDIO.RTM. The voice message may be stored on the Audio File Server 132 and the Audio File Server 132 may return a hyperlink to the voice message, which may be included in the instant message. The recipient of the instant message, User 104, may follow the included link to retrieve the voice message from the Audio File Server 132 and the voice message may be streamed or downloaded for listening. (emphasis added)

Thus, as clearly stated in the Guedalia disclosure, an instant message is alone sent to the recipient user 104. There is no disclosure or suggestion that a first instant message and a first voice mail message are sent to the recipient user 104. Guedalia specifically discloses sending only an instant message to the recipient user 104. While Guedalia discloses the instant message sent to the recipient user may include a hyperlink to the voice message, there is absolutely no disclosure or suggestion of sending a first instant message and a first voice mail message to an instant message address. That is, sending an instant message that includes links to voice messages or a hyperlink to the voice message is not the same as or suggestive of the claimed "sending said first instant message and said first voice mail message to said address".

Application Serial No.: 10/763,884
Amendment and Response to January 4, 2006 Final Office Action

It is clear that Guedalia does not disclose that for which it is cited and relied upon for disclosing (i.e., sending said first instant message and said first voice mail message to said address). Accordingly, the asserted combination of Adamczyk and Guedalia also fails to disclose (at least) the claimed sending of the first instant message and the first voice mail message to the address.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 15, and 17 under 35 USC 103(a).

Claims 4-6 and 10-14 depend from claim 1. For at least the same reasons provided hereinabove for the patentability of claim 1, Applicant respectfully submits that claims 4-6 and 10-14 are also patentable over Adamczyk and Guedalia under 35 USC 103(a), and requests the reconsideration and withdrawal of the rejection thereto.

Claim 18 was also rejected as being unpatentable over Adamczyk and Guedalia under 35 USC 103(a) on the basis of the same reasoning provided regarding claim 1. Inasmuch as Guedalia fails to disclose or even suggest that for which it is cited and relied upon for disclosing, the combination of Adamczyk and Guedalia is insufficient to support the rejection of claim 18 under 35 USC 103(a).

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 18 under 35 USC 103(a).

Claims 2 and 3 were rejected as being unpatentable over Adamczyk in view of Guedalia as applied to claim 1 above, and further in view of Hanson, et al., U.S. Patent No. 6,697,474 B1 (hereinafter, Hanson). This rejection is traversed.

Inasmuch as Guedalia fails to disclose, or even suggest, that for which it is cited and relied upon, the combination of Adamczyk and Guedalia with the asserted Hanson is insufficient to support the rejection of claims 2 and 3 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 USC 103(a).

Application Serial No.: 10/763,884
Amendment and Response to January 4, 2006 Final Office Action

Claims 7 and 8 were rejected as being unpatentable over Adamczyk in view of Guedalia as applied to claim 1 above, and further in view of Agraharam et al., U.S. Patent No. 6,654,448 B1 (hereinafter, Agraharam). This rejection is traversed.

Again, Guedalia fails to disclose or even suggest that for which it is cited and relied upon for disclosing. The combination of Adamczyk and Guedalia with the asserted Agraharam is insufficient to support the rejection of claims 7 and 8 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 7 and 8 under 35 USC 103(a).

Claim 9 was rejected as being unpatentable over Adamczyk in view of Guedalia as applied to claim 1 above, and further in view of Groner, U.S. Patent No. 6,507,643 B1 (hereinafter, Groner). This rejection is traversed.

Applicant reiterates that Guedalia fails to disclose or even suggest that for which it is cited and relied upon for disclosing. The combination of Adamczyk and Guedalia with the asserted Groner is insufficient to support the rejection of claim 9 under 35 USC 103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 9 under 35 USC 103(a).

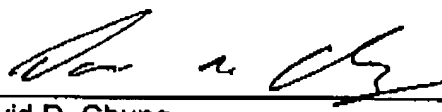
Application Serial No.: 10/763,884
Amendment and Response to January 4, 2006 Final Office Action

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,

6 March . 2006
Date



David D. Chung
Registration No. 38,409
(650) 694-5339

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

Attn: Elsa Keller, Legal Department
Telephone: 732-321-3026